

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

SHANE WEBSTER UPCHURCH

Plaintiff,

v.

**WASTEQUIP, LLC, and
TRAVELER'S IND. OF AMERICA**

Defendants.

Case No. 20-CIV-66-Raw

ORDER

Before the court is Plaintiff's most recent *pro se* filing which is deemed to represent a Motion to Recuse [Docket No. 36] indicating to the court that "It's Kindly Time to Step Down."

The court addresses Plaintiff's motion, pursuant to 28 U.S.C. §455, wherein a judge is required to recuse himself "in any proceeding in which his impartiality might reasonably be questioned," or "[w]here he has a personal bias or prejudice concerning a party." Recusal is "appropriate only where a reasonable person, were he to know all the circumstances, would harbor doubts about the judge's impartiality." *United States v. Mendoza*, 468 F.3d 1256, 1262 (10th Cir. 2006). "The trial judge must recuse himself when there is the appearance of bias, regardless of whether there is actual bias." *Bryce v. Episcopal Church*, 289 F.3d 648, 659 (10th Cir. 2002). The court does not find recusal or disqualification appropriate under this standard.

Although a *pro se* litigant's pleadings are to be construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers, *pro se* parties must follow the same rules of procedure that govern other litigants. *Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836 (10th Cir. 2005).

Accordingly, the motion [Docket No. 36] is DENIED.

IT IS SO ORDERED this 4th day of February, 2021.



RONALD A. WHITE
UNITED STATES DISTRICT JUDGE